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John N. Blum, Esq.
Acting General Counsel,
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2600
Falls Church, Virginia, 22041.

**RE: Comments to Proposed Rules: Professional Conduct for Practitioners--Rules and
Procedures, and Representation and Appearances
Reference RIN No. 1125-AA59; EOIR docket number 160P**

Dear Mr. Blum:

The proposed regulations allow EOIR to sanction practitioners, including attorneys and certain non-attorneys who are permitted to represent individuals in immigration proceedings ("representatives"), when discipline is in the public interest; namely, when a practitioner has engaged in criminal, unethical, unprofessional conduct or frivolous behavior. These proposed rules however are silent as to discipline of trial attorneys for the department of Homeland Security, and that presents a problem that has become evident to me in my practice.

Although the majority of my brethren at the Department of Homeland Security, Office of the Chief Counsel conduct themselves in an ethical and honorable manner, I have had the unfortunate experience where there have been instances where individuals have gone forward without concern for the issues or documentation in the files simply because the OCC misplaced its file and with an "enforcement at all costs" blind mentality. This attitude is counter productive to the directives of the agency. Accordingly there should be a mechanism in place in order to discipline attorney's for the OCC who file frivolous appeals. Such an appeal may also be an abuse of the rules set forth in the Board of Immigration Appeals Practice Manual. Frivolous appeals by the OCC should be found to be frivolous within the meaning of 8 C.F.R. § 3.102(j). *See* Rule 11 of the Board of Immigration Appeals Practice Manual. Although the Board has no authority to discipline attorneys for the Department of Homeland Security (*See* Rule 11.3) I doubt that the Board would countenance this type of behavior.

Very truly yours,


O. FRANK VALLADARES
OFVptl